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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

KEGAN WELLS, aka KAGAN WELLS  
LA. DOC #316251

CIVIL ACTION NO. 09-0913

VS.

SECTION P

JUDGE DRELL

WARDEN STEVE RADER

MAGISTRATE JUDGE KIRK

**JUDGMENT**

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the record, determining that the findings are correct under the applicable law, and considering the objections to the Report and Recommendation in the record;

**IT IS ORDERED THAT** this petition for *habeas corpus* is **DENIED AND DISMISSED WITHOUT PREJUDICE** as time-barred by the provisions of 28 U.S.C. §2244(d)(1). This dismissal without prejudice is limited to Petitioner's being able to show with evidence that (1) his attorney, C. Jerome D'Aquila, was actually retained to file the referenced *habeas corpus* petition timely; and (2) the attorney failed to do so. Petitioner will have sixty (60) days to obtain such evidence. At the end of that time, failing such evidence,

the Court will enter a dismissal with prejudice.

THUS DONE AND SIGNED, in chambers, in Alexandria, Louisiana,  
on this 30<sup>TH</sup> day of December, 2009.

A handwritten signature in black ink, appearing to read "Dee D. Drell", written over a horizontal line.

DEE D. DRELL  
UNITED STATES DISTRICT JUDGE